



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 09/545,111 | 04/06/00 | ANTONIOUS | A ADA-119 |

021884 QM32/0221
AQUILINO, WELSH & FLAXMAN
2341 JEFFERSON DAVIS HIGHWAY
SUITE 112
ARLINGTON VA 22202

EXAMINER
PASSANITI, S

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3711 | 7 |

DATE MAILED: 02/21/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Art Unit: 3711

This Office action is responsive to communication received 02/05/2001 - Amendment A, substitute specification and supplemental declaration.

Claims 1-51 remain pending.

The reply filed on 02/05/2001 is not fully responsive to the prior Office action because of the following omission(s) or matter(s):

The amendments to the claims are improper. All of the amended claims were newly added to the patent. Thus, all words must be underlined. As no word that was deleted by amendment appeared in the original patent, no bracketed words should appear in the claims. See 37

§C.F.R. 1.121(b). See M.P.E.P. §1453 which states:

An amendment of a "new claim" (i.e., a claim not found in the patent, that was previously presented in the reissue application) must be done by presenting the amended "new claim" containing the amendatory material, and completely underlining the claim. The presentation cannot contain any bracketing or other indication of what was in the previous version of the claim. This is because all changes in the reissue are made vis-a-vis the original patent, and not in comparison to the prior amendment. Although the presentation of the amended claim does not contain any indication of what is changed from the previous version of the claim applicant must point out what is changed, in the "Remarks" portion of the amendment. Also, as per 37 CFR 1.121(b)(2)(C)(iii), each change made in the claim must be accompanied by an explanation of the support in the disclosure of the patent for the change. See 37 CFR 1.111.

The substitute specification has not been entered. A substitute specification cannot be filed in a reissue. The applicant may choose to replace the entire "offending" paragraph with a whole new paragraph showing the changes made on filing (bracketing deleted words, underlining added words). Alternatively, the applicant may replace the entire "offending" paragraph with the

Art Unit: 3711

original (non-amended) text of the paragraph, with no underlining at all, together with a statement that this is being done to obviate the error on filing. See 37 §C.F.R. 1.125(d). See M.P.E.P.

§1453 which states:

37 CFR 1.121(b) (1) relates to the manner of making amendments to the specification other than the claims. It is not to be used for making amendments to the claims or the drawings. 37 CFR 1.121 (b)(1)(i) requires that all amendments which include any deletions or additions must be made by submission of a copy of each rewritten paragraph with markings (brackets and underlining), with the exception that an entire paragraph of specification text may be deleted by a statement deleting the paragraph without presentation of the text of the paragraph. 37 CFR 1.121 (b)(1)(i) also requires that all paragraphs which are added to the specification be submitted as completely underlined. In 37 CFR 1.121(b)(1)(ii), it is required that the precise point where each amendment is made must be indicated by applicant. 37 CFR 1.121(b)(1)(iii) defines the markings set forth in (b)(1)(ii) as being brackets for deletion and underlining for addition.

All bracketing and underlining is made in comparison to the original patent, not in comparison to the prior amendment. Where a change is made in one sentence, paragraph or page, and the change increases or decreases the size of the sentence, paragraph or page, this will have no effect on the body of the reissue specification. This is because all insertions are made as blocked additions of paragraphs, which are not physically inserted within the specification papers. Rather, each blocked paragraph is assigned a letter and number, and a caret written in the specification papers indicates where the blocked paragraph is to be incorporated. In view of this, a reissue applicant need not be concerned with page formatting considerations when presenting amendments to the Office.

Applicant is respectfully reminded that the original patent will need to be surrendered or a declaration as to its loss submitted before the case can be allowed.

Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Art Unit: 3711


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sebastiano Passaniti whose telephone number is (703)308-1006.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeanette Chapman, can be reached on (703) 308-1310. The formal fax phone number for the organization where this application or proceeding is assigned is (703) 305-3579. The informal fax phone number is (703) 308-7768. Applicant is strongly urged to contact or leave voice mail notification with the examiner just prior to sending an informal facsimile transmission.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

Applicant may find it useful to refer to the Official Web site for the United States Patent & Trademark Office at www.uspto.gov for information regarding a variety of patent and trademark related topics.

Sebastiano Passaniti/ sp
February 13, 2001


SEBASTIANO PASSANITI
PRIMARY EXAMINER
ART UNIT 3711